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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,402	05/16/2001	Khaled A. Al-Zoubi	1266-001	2460

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EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 07/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

Office Action Summary

Application No.

09/858,402

Applicant(s)

AL-ZOUBI ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, drawn to an integrated, monopole reinforcement sleeve system, classified in class 428, subclass 34.1.
 - II. Claim 15, drawn to a method for the reinforcement of monopoles with an integrated reinforcement sleeve, classified in class 52, subclass 514.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for using the product as claimed in Invention II can be practiced with another materially different product without the specifics of the Group I product i.e. at least one pair of complementary hemi-sleeves and a non-slip filler etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jinan Glasgow on June 17, 2002 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-14.

Affirmation of this election must be made by applicant in replying to this Office action. Claim

15 stands withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-14** stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitations “complementary hemi-sleeves” (**claim 1**), “to the pole flanges of stepped monopoles” (**claim 2**), “the sleeves are shaped to approximated the shape of the monopole surface” (**claim 3**), “sleeves are located at a predetermined, select position on the monopole for optimal reinforcement” (**claim 7**), “the at least one pair of complementary hemi-sleeves are multiple pairs of complementary hemi-sleeves” (**claim 8**), “the filler forms an integral sleeve-snugging material-monopole” (**claim 12**) and “a mounting support incorporated into the sleeves for the mounting of appurtenances” (**claim 13**) are deemed vague and indefinite. Clarification is requested.

Claim 2 recites the limitation "the pole flanges" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-14** stand rejected under 35 U.S.C. 102(a) as being anticipated by Fournier (6,167,673).

Fournier discloses an integrated, monopole reinforcement sleeve system comprising at least one pair of complementary hemi-sleeves (see col. 7, lines 32-38); and a non-slip filler (see col. 5, lines 38-47); wherein the filler is inserted between the sleeves and the monopole; and the sleeves are tightened around the monopole; thereby providing integrated monopole reinforcement (see col. 2, lines 14-18). Regarding **claim 2**, the sleeves include flanges (see col. 7, lines 35-38) for fastening the sleeves to the pole flanges of stepped monopoles. Regarding **claim 3**, the sleeves are shaped to approximated the shape of the monopole surface (see col. 7, lines 48-57). Regarding **claims 4, 5 and 6**, note the sleeves have a circular shape and a non-circular shape such as a polygonal shape (see col. 9, lines 12-17). Regarding **claim 7**, sleeves appear to be located at a predetermined, select position on the monopole for optimal reinforcement (see col. 2, lines 14-19). Regarding **claim 8**, the at least one pair of complementary hemi-sleeves appear to be multiple pairs of complementary hemi-sleeves.

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Regarding **claims 9, 10 and 11**, the filler is an elastic polymer and is neoprene (see col. 5, lines 38-43). Regarding **claim 12**, the filler appears to form an integral sleeve-snugging material-monopole (see col. 5, lines 38-47). Regarding **claims 13 and 14**, note a mounting support (see col. 6, lines 4-10 and see col. 7, lines 15-20) incorporated into the sleeves.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents are cited for further teachings of monopole reinforcement sleeve systems similar to that instantly disclosed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297.

The examiner can normally be reached on 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

CAS

Catherine Simone
Examiner
Art Unit 1772

June 26, 2002


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/28/02